

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANDREW J.W. WALKER,

No. C-06-1480 MMC

Plaintiffs,

**ORDER VACATING CASE
MANAGEMENT CONFERENCE**

v.

ELI LILLY AND COMPANY,

Defendant

Before the Court is plaintiff's Case Management Conference Statement, filed June 16, 2006, by which plaintiff seeks to continue the June 30, 2006 case management conference in the instant action by approximately 120 days.¹ Plaintiff states a continuance is necessary because he anticipates the instant action will be transferred for inclusion in MDL No. 1596, In re Zyprexa Products Liability Litigation, and because he has not served defendant.

¹Plaintiff did not provide the Court with a chambers copy of his Joint Case Management Statement. The Court, nonetheless, has considered the filing. For future reference, plaintiff and his counsel of record are reminded of the following provision in the Court's Standing Orders: "In all cases that have been assigned to the Electronic Case Filing Program, the parties are required to provide for use in chambers one paper copy of each document that is filed electronically. The paper copy of each such document shall be delivered no later than noon on the day after the document is filed electronically. The paper copy shall be marked 'Chambers Copy' and shall be delivered to the Clerk's Office in an envelope clearly marked with the judge's name, case number, and 'E-Filing Chambers Copy.'"

1 Because the instant action was filed February 26, 2006, the 120-day deadline for
2 plaintiffs to serve defendant, pursuant to Rule 4(m) of the Federal Rules of Civil Procedure,
3 is June 27, 2006, i.e., tomorrow. Plaintiff has not sought relief from the deadline. The
4 Court, however, has been notified by the Judicial Panel on Multidistrict Litigation ("JPML"),
5 by letter dated May 17, 2006, that the JPML has directed the Clerk of the Eastern District of
6 New York to file an order transferring the above-titled action to that court for inclusion in
7 MDL No. 1596. Consequently, the Court will defer to the transferee court the issue of
8 whether the above-titled action should be dismissed for failure to timely serve defendant.

9 Accordingly, for good cause shown in light of the pending transfer, the June 30,
10 2006 case management conference is hereby VACATED.

11 **IT IS SO ORDERED.**

12
13 Dated: June 26, 2006


MAXINE M. CHESNEY
United States District Judge